

AN ACT

relating to the approval requirement for a rental-purchase agreement that includes a loss damage waiver provision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 92.153, Business & Commerce Code, is amended to read as follows:

Sec. 92.153. RESTRICTIONS ON MERCHANT CONCERNING WAIVER. A merchant may not:

(1) sell a loss damage waiver unless:

(A) ~~[the department has approved the form of]~~ the contract containing the waiver complies with this chapter; and

(B) the consumer agrees to the waiver in writing;

or

(2) impose or require the purchase of a loss damage waiver as a mandatory charge.

SECTION 2. Subdivisions (2) and (4), Section 92.001, and Sections 92.158, 92.159, and 92.160, Business & Commerce Code, are repealed.

SECTION 3. (a) An administrative proceeding pending on the effective date of this Act that is related to a complaint filed under Section 92.160, Business & Commerce Code, as that section existed immediately before the effective date of this Act, is dismissed.

(b) An administrative penalty assessed under Chapter 92,

1 Business & Commerce Code, as that chapter existed immediately
2 before the effective date of this Act, and Chapter 51, Occupations
3 Code, may be collected as provided by Chapter 51, Occupations Code.

4 (c) The Texas Department of Licensing and Regulation shall
5 return a prorated portion of the fee paid by a merchant to the
6 department under Section 92.159, Business & Commerce Code, as that
7 section existed immediately before the effective date of this Act.

8 SECTION 4. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 289 passed the Senate on
March 13, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 289 passed the House on
May 21, 2013, by the following vote: Yeas 126, Nays 17, two
present not voting.

Chief Clerk of the House

Approved:

Date

Governor